

4730 TBU; IN1009

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JARROD HORTON, as Brother, Next Friend, and Special Representative of the Estate of MARLON HORTON, Deceased,)	
Plaintiff,)	
v.)	Case No. 1:13-cv-06865
CITY OF CHICAGO; CHICAGO POLICE OFFICER KENNETH F. WALKER, Star No. 9191, SHAQUILA R. MOORE;)	Hon. Judge Dow
CHICAGO HOUSING AUTHORITY;)	Hon. Magistrate Judge Valdez
H.J. RUSSELL & COMPANY; and)	
MAVERICK SECURITY, INC.,)	
Defendants.)	

MAVERICK SECURITY, INC.'S STATEMENT OF UNCONTESTED FACTS

NOW COMES, the Defendant, MAVERICK SECURITY, INC. (“Maverick”), by and through its attorneys, Thomas B. Underwood and Michael D. Sanders of PURCELL & WARDROPE, CHTD, submits this statement of material facts, pursuant to Local Rule 56.1(a)(3), to which there is no genuine dispute and which entitle Maverick to judgment as a matter of law.¹ The exhibits cited in this statement are attached hereto.

PLEADINGS

1. Plaintiff filed his twelve-count Fourth Amended Complaint in this action on October 6, 2015, alleging that an incident involving his decedent Marlon Horton occurred at a Chicago Housing Authority (“CHA”) residential building located at 1815 West Monroe Street, Chicago, Illinois (“the Property”), on or about September 7, 2013. (Fourth Am. Compl., Doc. 128 at ¶¶ 14–17.)

¹ These facts are undisputed only for purposes of Defendants’ Motions for Summary Judgment. Defendants reserve the right to dispute any and all of these facts for all other purposes, including trial.

2. Defendant H.J. Russell & Co. (“Russell”) filed crossclaims against the CHA for contribution and against Maverick for contribution, express indemnification, and implied indemnification. (**Exhibit A**, Russell Crossclaim, Doc. 130.)

3. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343 and 1367. (Russell Crossclaim, Ex. A at ¶ 1; **Exhibit B**, Maverick Answer to Russell Crossclaim, Doc. 277 at ¶ 1.)

4. Venue is proper under 28 U.S.C. § 1391(b). (Russell Crossclaim, Ex. A at ¶ 2; Maverick Answer to Russell Crossclaim, Ex. B at ¶ 2.)

SERVICE CONTRACTS

5. On or prior to the date of the occurrence alleged in Plaintiff’s Fourth Amended Complaint, the CHA owned the Property. (Maverick Crossclaim, Doc. 162 at ¶ 13; CHA Answer to Maverick Crossclaim, Doc. 173 at ¶ 13.)

6. On October 1, 2009, the CHA and Russell entered into a Private Property Management Agreement for Russell to provide property management services at the Property. (Russell Crossclaim, Ex. A at ¶ 10; CHA Answer to Russell Crossclaim, Doc. 151 at ¶ 10; **Exhibit C**, Private Property Management Agreement, Doc. 130-2.)

7. The Property is also commonly known under the name of the Henry Horner Homes. (Ex. C.)

8. On February 1, 2011, Maverick entered into a Subcontractor Agreement with Russell for Maverick to provide security services for locations including the Property, with a listed completion date of January 31, 2012. (Russell Crossclaim, Ex. A at ¶ 13; Maverick Answer to Russell Crossclaim, Ex. B at ¶ 13; **Exhibit D**, Subcontract Agreement, Doc. 130-3.)

9. On or about January 1, 2013, Russell and Maverick entered into a Letter of Agreement for Maverick to provide security services for the Property, stating that the Letter of

Agreement would remain in effect until December 31, 2013. (Russell Crossclaim, Ex. A at ¶ 15; Maverick Answer to Russell Crossclaim, Ex. B at ¶ 15; **Exhibit E**, Letter of Agreement, Doc. 130-4.)

10. On December 31, 2014, Russell and Maverick entered into a Service Agreement for Maverick to provide patrol services for the Property, with a term of 12 months, renewing automatically, unless terminated by either party with 30 days' prior written notice. (Russell Crossclaim, Ex. A at ¶ 17; Maverick Answer to Russell Crossclaim, Ex. B at ¶ 17; **Exhibit F**, Service Agreement, Doc. 130-5.)

Respectfully submitted,

PURCELL & WARDROPE, CHTD.

/s/ Michael D. Sanders

Michael D. Sanders

Attorney for Defendant Maverick Security, Inc.

Thomas B. Underwood
Michael D. Sanders
PURCELL & WARDROPE, CHTD.
10 S. LaSalle St., Suite 1200
Chicago, Illinois 60603
Tel: (312) 427-3900